

**Notice of Allowability**

Application No.

09/475,661

Examiner

Kambiz Zand

Applicant(s)

KUNG ET AL.

Art Unit

2132

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/23/2004.
2. ☒ The allowed claim(s) is/are 1-4 and 6-15, now, re-numbered as claims 1-14.
3. ☒ The drawings filed on 05/18/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 05/18/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
4. Examiner withdraws rejection of claims 1-19 under 35 U.S.C 112-second paragraphs due to correction and cancellation of the claims 5 and 16-19 by the applicant.
5. Claims 5 and 16-19 have been cancelled.
6. Claims 1-3, 13 and 15 have been amended.
7. Claims 1-4 and 6-15, now re-numbered as claims 1-14 are pending.

### ***Information Disclosure Statement PTO-1449***

8. The pages of the all references submitted by applicant have been considered.

### ***Response to Arguments***

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9. Applicant's arguments filed 06/23/04 have been fully considered and they are persuasive.

### **Allowable Subject Matter**

#### **10. Claims 1-4 and 6-15 are allowed.**

The following is an examiner's statement of reasons for allowance: Akins, III et al (6,526,508 B2) teach a method for securing a communication. Akins, III et al disclose in fig.6, the digital broadband delivery system that corresponds to Applicant's originating subscriber gateway includes a server 501 that corresponds to the server used by originating subscriber gateway and the key are assigned in item 627 or 603 TED where the storage of keys for encryption and /or decryption is stored and where in col.17, lines 27-46 it has been detailed); and , transmitting said first confidential key or a password from said originating subscriber gateway to a terminating subscriber gateway in advance of or simultaneous with a first encrypted data packet (see transmission of a confidential key such as control word CW in col.4, lines 51-55 that simultaneously being transmitted with the instance that contains instance data with respect to programming and entitlement information as disclosed in col.4, lines 28-35), said first encrypted data packet being encrypted with said first confidential key ( see fig.2a where the control word that corresponds to applicant's confidential key is being generated in item 203 and it is being used to

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encrypt the program as being disclosed by item 202 and 201 and transmitted). Akins III et al's system and method singly or in combination are in contrast with specific steps of applicant's invention where exchanging packets encrypted via said first confidential key between originating and said terminating subscriber gateway where terminating gateway (that corresponds to "an identifier used to distinguish this gateway from the originating subscriber gate way" (see page 14 of Applicant's response)) and where originating subscriber gateway and terminating subscriber gateway located at the customer premises as recited in **independent claims 1 and 15.**

**11. Dependent claims 2-4 and 6-13** as being dependent upon Independent claim 1 and having additional allowable features therein.

### **Conclusion**

12. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "comments on statement of reasons for allowance."

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on

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Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

07/16/04

*Justin T. Darrow*  
JUSTIN T. DARROW  
PRIMARY EXAMINER

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